

AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 677**

**Introduced by Assembly Member Firebaugh**

February 19, 2003

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An act to add Section 21152.1 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 677, as amended, Firebaugh. Environmental quality: local agency filing.

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(1) *The* existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also generally requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment; if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides some exemptions from its requirements for specified projects.

This bill would require a local agency or specified person, when the agency determines that a project is exempt from CEQA's requirements for certain reasons and when the agency approves or determines to carry out that project, to file notice of the determination with the Office of

Planning and Research. The bill would require those notices to be available for public inspection as specified.

By imposing new duties on local agencies, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21152.1 is added to the Public  
2 Resources Code, to read:

3 21152.1. (a) When a local agency determines that a project is  
4 not subject to this division pursuant to Section 21159.22,  
5 21159.23, or 21159.24, and it approves or determines to carry out  
6 that project, the local agency or the person specified in  
7 subdivisions (b) or (c) of Section 21065, shall file notice of the  
8 determination with the Office of Planning and Research.

9 (b) All notices filed pursuant to this section shall be available  
10 for public inspection, and a list of these notices shall be posted on  
11 a weekly basis in the Office of Planning and Research. Each list  
12 shall remain posted for a period of 30 days.

13 (c) Failure to file the notice required by this section does not  
14 affect the validity of a project.

15 SEC. 2. Notwithstanding Section 17610 of the Government  
16 Code, if the Commission on State Mandates determines that this  
17 act contains costs mandated by the state, reimbursement to local  
18 agencies and school districts for those costs shall be made pursuant  
19 to Part 7 (commencing with Section 17500) of Division 4 of Title  
20 2 of the Government Code. If the statewide cost of the claim for

- 1 reimbursement does not exceed one million dollars (\$1,000,000),
- 2 reimbursement shall be made from the State Mandates Claims
- 3 Fund.

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